



Policy

29 CAPITAL WORKS ON COMMUNITY FACILITIES

Version 03

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1. POLICY STATEMENT

The Council has delegated care, control and management of many of its community facilities (such as recreation reserves, public halls, swimming pools and the like) to volunteer committees of management established under s355 of the *Local Government Act* 1993. This is designed to allow for local control of those facilities to meet local needs.

However, the nature of volunteer committees may make delivery of larger, capital-type projects somewhat difficult and expose the Council to unacceptable risks, including risks to the safety of volunteers, workers and the public, financial risks and risks to reputation.

This policy seeks to mitigate these risks by making the Council directly responsible for the management of capital projects as well as larger maintenance projects.

Nothing in this policy should be seen as detracting from the primary responsibility of the various Committees of Management to undertake the routine operation and maintenance of their respective facility.

2. PURPOSE

The purpose of this policy is to ensure:

- Projects are properly managed and completed.
- Risks involved in these projects are identified and managed
- All parties understand their role in the project
- User bodies do not by-pass Committees of Management and deal directly with the Council
- Funding agreements are honoured and acquitted in line with any legal requirements
- Assets created are appropriately recorded and recognised.

This policy places the responsibility on the Council to effectively manage and deliver the project and to address any failures encountered – in line with its statutory power and budgeted resources.



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3. SCOPE

This policy applies to all volunteer committees of the Council responsible for the care, control and management of community facilities vested in the Council.

4. OBJECTIVE

This policy is developed to assist the Council with Delivery Plan Objective 3.2.1.2.4

In accordance with Asset Management Plans – plan the development and renewal of recreation and open space assets and facilities.

5. DEFINITIONS

Committee of Management – A committee established under s355 of the *Local Government Act 1993* to exercise a function of the Council. In this case, the volunteer committees of the Council delegated care, control and management of Council's community facilities.

Advisory committee – A committee established by the Council to provide advice and guidance to the Council with the delivery of the project, usually made of representatives of user bodies

User body – A group that makes use of a Council-provided community facility

Capital project – A project that delivers a new or improved facility, as opposed to restoring an existing facility to its original condition.

Construction work – as defined in the Work Health and Safety Regulations 2011 “any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure”.

6. POLICY IMPLEMENTATION

6.1 Approval

Projects may be identified by user bodies, Committees of Management or the Council. Projects identified by user bodies must be referred to the Committee of Management for support and approval.

Committees of Management must submit proposed projects to the Council in writing, along with supporting documentation. Projects that are raised initially verbally at council meetings will not be considered

The Council will then negotiate with the Committee of Management in relation to the project, not individual user bodies.

6.2 Funding

Once agreement is in place regarding the project, individual Clubs can negotiate grant funds from any source other than the Council. Grants acquired from other levels of government will be auspiced by the Council.



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If Council grant funds are requested, this will be via the Committee of Management. Requests for grant funding will be assessed as per the Council's Requests for Donations and Financial Assistance Policy.

Any grant or loan funds advanced by the Council will be the responsibility of the Committee of Management. If a user body is to meet a debt to the Council for project loan funds, this will be the responsibility of the Committee of Management.

Committees of Management are encouraged to submit proposed projects through the Council's annual Operational Plan process. The Council recognises that this is not always possible due to external grant providers having their own timetables.

Before starting work on a project, the Council will require the Committee of Management and other partner funders to provide evidence of sufficient funds to allow them to meet their funding agreement.

6.3 Risk Management Plan

In accordance with Council's Risk Management Policy and Framework, a Risk Management Plan will be developed by Council in consultation with the Committee of Management. The purpose of the Risk Management Plan is to ensure responsible management of the project is achieved.

The Risk Management Plan will outline how risks will be identified, assessed, treated and managed throughout the life of the project. Attempts will be made to eliminate risks, however where this is not possible, they will be minimised as far as is reasonably practicable.

Where risks cannot be eliminated they will be included in the Risk Register component of the Risk Management Plan with timeframes and responsibilities for treatments assigned.

6.4 Project Management

The Council will manage the required works as Project Manager and will make all payments to contractors and suppliers. The Council will take on this role whether or not Council funds are being used.

Depending on the size and nature of the project, the Council may appoint an advisory committee. The advisory committee will have no direct decision-making powers; its role is to provide advice and guidance to the Council and to act as the liaison between the Council and the user bodies.

The Council will work with user bodies and Committees of Management to manage any Development Applications or Construction Certificates that may be required for the project.

Where the Council is making a financial contribution to the project, the Council may charge the cost of any approvals etc. against the project budget. Otherwise, these costs will be assessed under the Council's Requests for Donations and Financial Assistance Policy.

The Council will not charge any fees and costs for project management undertaken directly by its staff against any project covered by this policy.



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The Council will directly manage any tender or quotation process required, in order to comply with legislation and the Council's Procurement and Disposal Policy.

6.5 Application and exemptions

Projects undertaken at Council venues vary in their size and complexity and there is no hard and fast rule to determine what is a capital project and/or a larger maintenance project.

As a guide, a project cost of \$10,000 may be used as a guideline but committees should contact the Council before starting any significant project. Regardless of the dollar amount, projects involving construction work as defined above will **always** be considered a capital project for the purposes of the policy.

Because of the wide range of projects completed on lands controlled by Committees of Management, the Council may consider exceptions to this policy. In this case, contact should be made with the Council so that this can be clarified and resolved without necessarily excluding a valuable project.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Work Health and Safety Act 2011*
- Office of Local Government Capital Expenditure Guidelines

7.2 Council policies

- Berrigan Shire Council Code of Conduct
- Berrigan Shire Council Risk Management Framework
- Berrigan Shire Council Guide to Operations for Volunteer Committees of Management
- *Berrigan Shire 2023* (Community Strategic Plan)
- Delivery Program
- Risk Management Policy
- Fraud Control Policy
- Requests for Donations and Financial Assistance Policy
- Procurement and Disposal Policy